

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**EUGENE ANDERSON,**

**Petitioner,**

**CASE NO. 2:05-cv-1089**

**JUDGE MARBLEY**

**MAGISTRATE JUDGE KEMP**

**v.**

**THOMAS McBRIDE, Warden,  
REGINALD WILKINSON, et al.,**

**Respondents.**

**OPINION AND ORDER**

On January 24, 2007, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 be stayed pending petitioner's exhaustion of state court remedies. Doc. No. 29. Although the parties were specifically advised of the right to object to the *Report and Recommendation*, and of the consequences of failing to do so, there has nevertheless been no objection to the *Report and Recommendation*. Petitioner has filed a memorandum in response to the Magistrate Judge's *Report and Recommendation*, asserting that he can establish cause for failing to exhaust his claim that his sentence violates *Blakely v. Washington*, 542 U.S. 296 (2004); however, petitioner does not object to the Magistrate Judge's *Report and Recommendation*. See Doc. No. 31.

The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. This action is **STAYED** pending petitioner's exhaustion of state remedies. Petitioner is **DIRECTED** to keep the

Court advised of the status of state court proceedings, and to return to this Court within thirty (30) days of completion of state court action. Failure to do so may result in dismissal of his habeas corpus petition.

**IT IS SO ORDERED.**

s/Algenon L. Marbley

ALGENON L. MARBLEY  
United States District Judge